



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 8, 1992

Mr. Mike Atkins  
McMahon, Tidwell, Hansen, Atkins & Fowler  
4001 East 42nd Street, Suite 200  
Odessa, Texas 79762

OR92-382

Dear Mr. Atkins:

As counsel for the Ector County Independent School District (ECISD), you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID # 16309.

The ECISD has received a request for the personnel file of ECISD teacher Sharron Dillon and all documents that relate to Ms. Dillon's job performance. The ECISD has submitted several documents for our review. You claim that these documents are excepted from public disclosure by Open Records Act sections 3(a)(1), 3(a)(11), and 3(a)(14).

Open Records Act section 14(e) incorporates the requirements of the Family Educational Rights and Privacy Act (FERPA) into the Open Records Act and provides:

Nothing in this Act shall be construed to require the release of information contained in education records of any educational agency or institution except in conformity with the provisions of the Family Educational Rights and Privacy Act of 1974, as enacted by Section 513 of Public Law 93-380, codified as Title 20 U.S.C.A. Section 1232g, as amended.

V.T.C.S. art. 6252-17a, § 14(e). FERPA provides:

No funds shall be made available under any applicable program to any education agency or institution which has a policy or practice of permitting the release of educational records (or

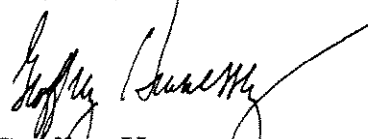
personally identifiable information contained herein other than directory information, as defined in paragraph (5) of subsection (a)) of students without the written consent of their parents to any individual, agency, or organization.

Id. § 1232g(a)(4)(A).

We have examined the documents submitted for our review. The documents contain information "directly related" to students. We conclude that they are "education records" within the meaning of FERPA. FERPA's exceptions do not apply here. *See* 20 U.S.C. § 1232g(a)(4)(B), (a)(5); Open Records Decision No. 431 (1985). Because release of any of the requested information would identify or tend to identify the students, we conclude that the information may be withheld pursuant to Open Records Act section 14(e). Because we resolve this matter under section 14(e) we do not address your claim that the information is also excepted by sections 3(a)(1) and 3(a)(11).

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-382.

Very truly yours,



Geoffrey Hennessey  
Assistant Attorney General  
Opinions Committee

GH/lmm

Ref.: ID #16309

cc: Mr. Dohn S. Larson  
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